

REMARKS

The specification has been amended to correct spelling or grammatical errors.

Claims 1-56 are now in the application. Claims 1, 16-19, 30, 35, 37-40, and 47 have been amended. No claims have been canceled.

Claims 1-56 Rejection - 35 U.S.C. § 103

Claims 1-56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendrey et al (6,647,269), Heinonen et al (6,418,308) and Mansfield et al. (USPN 6,477,382). Before specifically discussing the claims, the three references and the invention will be briefly summarized.

First, the Hendrey reference describes a advertisement monitoring system for monitoring the effective of advertisements sent to wireless devices. The advertising message is not sent from the system until the monitoring system detects that the wireless device is close to the retail store being advertised. Hendrey only describes detecting proximity to a store location; it does not teach detection of the location of the wireless device. Further, Hendrey does not describe sending location information to the monitoring system in response to the wireless device receiving a query from the monitoring system.

Second, the Heinonen reference describes an opinion polling system where wireless devices users receive queries and may respond with answers at their convenience. The wireless device never sends its location information even if the wireless device user responds to the query.

Third, the Mansfield reference describes a paging system for wireless devices. Mansfield is cited by the examiner as describing a system for locating a wireless device in response to a query. In fact Mansfield only describes locating a cell in a cellular system in response to a retrieve location message. The cell contains the wireless device. Mansfield does this so that he can send his paging packets directly to the cell that is transmitting to the wireless device rather than having to send the packets to all cells. In other words, Mansfield detects the location of the

antenna transmitting to and receiving from a particular wireless device. In the portion of the Mansfield reference cited by the examiner, the text begins: "In one embodiment, to pinpoint the cell location of the mobile end system," (col. 16, lines 56-57). Mansfield is describing finding the cell location and not finding the location of the mobile end system. Mansfield does not know the location of the wireless device inside the cell.

In the present invention, the location information is the location of the wireless device *per se*. Further, this location information is not generated until the wireless device receives a query. Finally, the wireless device sends a response to that query, and it always includes in that response the location information. The independent claims have been amended to more clearly reflect this combination, and the combination is not described or suggested by Hendrey's advertising system, Heinonen's opinion polling system or Mansfield's paging system.

Claim 1

In particular, amended claim 1 states that the wireless device in the survey area receives a broadcast survey, and the wireless device generates a response to the survey when the survey is received, the location information being included in the response. Heinonen never sends location information; Hendrey detects proximity (i.e. near store or in store) information and never sends proximity information in response to a query; and Mansfield only sends cell (not wireless device) location information in response to retrieve location message. There is nothing in these three references taken alone or in combination to suggest the above underlined combination of features. Claim 1 should be allowed.

Claims 2-15

Claims 2-15 depend from claim 1 and should be allowed for at least the same reasons as discussed above for claim 1.

Claim 16

Amended method claim 16 recites determining at each wireless device whether the wireless device responds to the query, and for each of the plurality of wireless devices that responds to the query, generating a response comprising at least location information generated

by a location system, the location information indicating the location of the wireless device.

Heinonen never sends location information; Hendrey detects proximity (i.e. near store or in store) information and never sends proximity information in response to a query; and Mansfield only sends cell (not wireless device) location information in response to retrieve location message. Further, none of the references let the device determine whether it should respond. There is nothing in these three references taken alone or together to suggest the above underlined combination of features. Claim 16 should be allowed.

Claims 17-29

Claims 17-29 depend from claim 16 and should be allowed for at least the same reasons as discussed above for claim 16.

Claim 30

Amended method claim 30 recites receiving device position coordinates for a wireless device in response to receipt of the query at the wireless device, the device position coordinates using the antenna position coordinates of the at least three antennas and relative position of the wireless device to each antenna. Heinonen never sends location information; Hendrey detects proximity (i.e. near store or in store) information and never sends proximity information in response to a query; and Mansfield only sends cell (not wireless device) location information in response to retrieve location message. Further, none of the references generate device position coordinates of the wireless device based on position of cell antennas and relative position between cell antennas and wireless device. There is nothing in these three references taken alone or together to suggest the above underlined combination of features. Claim 30 should be allowed.

Claims 31-34

Claims 31-34 depend from claim 30 and should be allowed for at least the same reasons as discussed above for claim 30.

Claim 35

Amended method claim 35 recites receiving a response to the query, wherein the response comprises wireless device location information and wireless device identity information for a wireless device generating the response. Heinonen never sends location information; Hendrey detects proximity (i.e. near store or in store) information and never sends proximity information in response to a query; and Mansfield only sends cell (not wireless device) location information in response to retrieve location message. Further, none of the references generate a response to the query where the response includes both wireless device location information and wireless device identity information. There is nothing in these three references taken alone or together to suggest the above combination of features. Claim 35 should be allowed.

Claims 36-46

Claims 36-46 depend from claim 35 and should be allowed for at least the same reasons as discussed above for claim 35.

Claim 47

Amended method claim 47 recites receiving a response to the query for each of the wireless devices, the response including wireless device location information indicating position coordinates of the wireless device at time of receipt of each query at the wireless device; and receiving a plurality of responses to the query from the wireless devices, wherein a response from each of the wireless devices comprises the wireless device location information pinpointing the location of the wireless device when the wireless device receives the query. Heinonen never sends location information; Hendrey detects proximity (i.e. near store or in store) information and never sends proximity information in response to a query; and Mansfield only sends cell (not wireless device) location information in response to retrieve location message. There is nothing in these three references taken alone or together to suggest the above underlined combination of features. Claim 47 should be allowed.

Claims 48-56

Claims 48-56 depend from claim 47 and should be allowed for at least the same reasons as discussed above for claim 47.

Claims 14, 25 and 26 Rejection - 35 U.S.C. § 103

Claims 14, 25, and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendrey and Heinonen as applied to claims 1 and 16, and further in view of Yost et al. (USPN 6,560,442). The Yost reference describes monitoring cellular phones in a cell by signal strength and using that information to count the cellular phones in each cell. Yost does not describe generating wireless device location information in response to a query. Therefore, Yost does not fill any of the prior art deficiencies of Hendrey and Heinonen relative to amended claims 1 and 16 as discussed above. Therefore, claims 14, 25 and 26 should be allowed for the same reasons that claims 1 and 16 should be allowed.

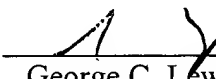
As all claims now in the application are in condition for allowance, Applicants request the application be allowed and pass to issuance as soon as possible.

It is believed that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

Respectfully submitted,

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